

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

WANDA HOUSTON,

Plaintiff,

V.

COUNTY OF BURLINGTON, et al.,

Defendants.

[illegible]

Civil No. 06-2296 (RBK)

OPINION

This matter comes before this Court upon its own motion pursuant to Federal Rule of Civil Procedure 12(h)(3). For the reasons set forth below, the above-captioned Complaint shall be dismissed for lack of subject matter jurisdiction and for Plaintiff Wanda Houston's ("Plaintiff") failure to comply with this Court's Order of June 16, 2006.

I. Background and Analysis

Plaintiff filed an Amended Complaint on June 9, 2006, against Defendants County of Burlington, et al. ("Defendants"), invoking 28 U.S.C. § 1331 in support of federal subject matter jurisdiction over this civil action. The Complaint alleges, in brief, that Plaintiff, a Corrections Officer at the Burlington County Detention and Corrections Facilities, was infected with Methicillin-Resistant Staphylococcus Aureus during the course of her employment, allegedly due to Defendants' "grossly negligent

and reckless and intentional failure" to warn Plaintiff of the possibility of infection. (Am. Compl. ¶ 4 at 4.) Plaintiff alleges federal subject matter jurisdiction on the grounds that "[t]his action is brought pursuant to the Civil Rights Laws of the United States of America, USCA Title 42 § 1983 et seq. and related statutory and constitutional provisions." (Am. Compl. ¶ 1.)

This Court issued an Order on June 16, 2006, determining that Plaintiff's Amended Complaint did not set forth a claim under 42 U.S.C. § 1983 or any other valid grounds for jurisdiction. In particular, the Court noted that while § 1983 provides a cause of action against a state for "the deprivation of any rights, privileges, or immunities secured by the Constitution and laws," 42 U.S.C. § 1983, Plaintiff's Amended Complaint did not allege any such deprivation of Constitutional rights, privileges, or immunities.

The Court granted Plaintiff leave to file a Second Amended Complaint properly alleging grounds for subject matter jurisdiction on or before June 30, 2006; however, as of the date of this Opinion, Plaintiff has failed to file a Second Amended Complaint.

Accordingly, because the Amended Complaint sets forth no valid grounds for subject matter jurisdiction over the above-captioned case and because Plaintiff has failed to comply with

this Court's June 16, 2006, Order, the above-captioned case shall be dismissed for lack of subject matter jurisdiction pursuant to Rule 12(h)(3).

Dated: July 21, 2006 S/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge